L.N.202 of 2004

TOBACCO (SMOKING CONTROL) ACT (CAP. 315)

Labelling of Tobacco Products Regulations, 2004

IN exercise of the powers conferred by article 9 of the Tobacco (Smoking Control) Act, the Minister of Health, the Elderly and Community Care has made the following regulations:-

Title and commencement.

1. (1) The title of these regulations is the Labelling of Tobacco Products Regulations, 2004.

(2) These regulations, other than regulation 12, shall come into force on the 1st May, 2004. Regulation 12 shall come into force on the date of publication of these regulations.

Interpretation.

2. In these regulations:

"ingredient" means any substance or any constituent except for tobacco leaf and other natural or unprocessed tobacco plant parts used in the manufacture or preparation of a tobacco product and still present in the finished product, even if in altered form, including paper, filter, inks and adhesives;

"ISO 4387" means the latest edition of the International Standard entitled Cigarettes Determination of total and dry particulate matter using a routine analytical cigarette-smoking machine-Glass fibre filter-smoking trap method ISO 4387: 1987 (E) first edition published by the International Organisation for Standardisation on 15th April, 1987;

"most visible surface", in relation to a rectangular cigarette packet, means that surface of the packet which is, or is equal in area to, the largest surface and-

(a) either faces a person opening that packet,

(b) or where no such surface faces a person opening the packet, carries most prominently the name, trade-mark or other distinguishing mark of the brand of cigarettes,

and in relation to other cigarette packets, the phrase means the most conspicuous surface;

"nicotine" means nicotinic alkaloids;

"packet", in relation to a tobacco product, means any box, package, container or other receptacle which contains the product, and in which the product is, or is intended to be, presented for retail, excluding any additional outer wrapping (whether or not transparent) which may be discarded on opening, and where any such receptacle is or is to be contained in another such receptacle (excluding such outer wrapping), includes each such receptacle;

"Superintendent" means the Superintendent of Public Health;

"tar" means the raw anhydrous nicotine-free condensate of smoke.

Tar, nicotine and carbon monoxide yields.

3. The tar, nicotine and carbon monoxide yields of cigarettes shall be printed in the following manner on one side of the packet covering at least 10% of the corresponding surface:

(a) as to the tar yield, to be shown as a figure rounded to the nearest whole number and expressed in milligrams in the form "x mg tar/qatran",

(b) as to the nicotine yield, to be shown as a figure rounded to one decimal place and expressed in milligrams in the form "y.z mg nicotine/ nikotina", and

(c) as to carbon monoxide, to be shown as a figure rounded to the nearest whole number and expressed in milligrams in the form "x mg carbon monoxide".

Warnings on packets.

4. (1) Each unit of tobacco product, shall carry one of the general warnings in English and Maltese "Smoking seriously harms you and others around you", "It-Tipjip jaghmel hsara lilek u lil ta' madwarek" and "Smoking Kills", " It-Tipjip Joqtol".

(2) Such two general warnings shall be printed on the most visible surface of the packet and on any outside packaging, and shall be rotated in such a way as to guarantee its regular appearance on the packet.

(3) An additional warning, taken from the Schedule to these regulations, shall be printed on the other most visible surface of the packet and on any outside packaging, and it shall be rotated in such manner as to guarantee its regular appearance.

(4) The printing of warnings shall not be required on additional transparent wrappers used in the retail sale of the product.

(5) There shall also be a reference to be printed, outside the box for warnings, in the following manner :

DANGER - Health Department Warning
Twissija mid-Dipartiment tas-Sahha - PERIKLU

Area to be covered on cigarette packets.

5. (1) The general warning mentioned in regulation 4 hereof shall cover not less than 30% of the external area of the corresponding surface of the unit packet of tobacco on which it is printed.

(2) The additional warning mentioned in regulation 4 hereof shall cover not less than 40% of the external area of the corresponding surface of the unit packet of tobacco on which it is printed:

Provided that in the case of unit packets of products other than cigarettes, where the most visible surface exceeds 75 cm^2, the warnings shall cover an area of at least 24 cm^2.

Warning and yield indications.

6. (1) The warnings and the yield indications shall be

(a) printed in black Helvetica bold type, font size 20, on a white background;

(b) in lower case type, except for the first letter of the message and where required by grammar usage;

(c) centered in the area in which the text is required to be printed, parallel to the top edge of the packet; and

(d) surrounded by a black border not less than 3mm and not more than 4mm in width, provided that such border shall not interfere in any way with the text of the warning or the information given.

(2) The text shall be printed in an irremovable and indelible manner, and shall in no way be hidden, obscured or interrupted by any written or pictorial matter or by the opening of the packet:

Provided that in the case of tobacco products other than cigarettes, the texts may be affixed by means of irremovable stickers.

Identifiable batch number.

7. Each unit of tobacco product shall have an identifiable batch number or it.

Qualificative labelling of tobacco products.

8. (1) No texts, names, trade-marks and figurative or other signs may be used on the packaging of a tobacco product in order to suggest that that particular product is less harmful than others.

(2) It shall be an offence to label any tobacco product as "light" or "mild".

List of ingredients.

9. Manufacturers and importers shall at the end of each year submit to the Superintendent a list of all ingredients, in descending order of weight, used in the manufacture of those tobacco products by brand name and type. This list shall :

(a) be accompanied by a statement setting out the reasons for the inclusion of such ingredients in those tobacco products;

(b) indicate their function and category;

(c) be accompanied by toxicological data available to the manufacturer or importer regarding those ingredients in burnt or unburnt form as appropriate, referring in particular to their effects on health and taking into account any addictive effects.

Superintendent to inform public.

10. It shall be the duty of the Superintendent to inform the public as to the tar, nicotine and carbon monoxide yields of cigarettes.

Tobacco for oral use prohibited.

11. It shall be an offence to place on the market tobacco for oral use.

Repeals L.N. 243 of 2003.

12. The Labelling of Tobacco Products Regulations, 2003 are hereby repealed.

SCHEDULE

Regulation 4(3)

List of Additional Health Warnings

1. Smokers die younger
   Min ipejjep imut żgħir

2. Smoking clogs the arteries and causes heart attacks and strokes
   It-tipjip isodd l-arterji u jġib l-attakki tal-qalb u l-puplesiji

3. Smoking causes fatal lung cancer
   It-tipjip jagħmel kanċer fil-pulmun

4. Smoking when pregnant harms your baby
   Jekk tpejjep waqt it-tqala tagħmel ħsara lit-tarbija tiegħek

5. Protect children: don't make them breathe your smoke
   Ipprotegi lit-tfal : igġelhomx jibilgħu id-duħħan tas-sigaretti tiegħek

6. Your doctor or your pharmacist can help you stop smoking
   It-tabib jew l-ispizjar jgħinuk biex tieqaf tpejjep

7. Smoking in highly addictive, don't start.
   It-tipjip huwa vizzju, tibdiex tpejjep

8. Stopping smoking reduces the risk of fatal heart and lung diseases
   Jekk tieqaf tpejjep tnaqqas ir-riskju ta' attakki tal-qalb u mard tal-pulmun

9. Smoking can cause a slow and painful death
   It-tipjip jista' jwassal għal agunija fit-tul u ħafna ugigħ

10. Get help to stop smoking - 21231247
    Itlob l-għajnuna biex tieqaf tpejjep - 21231247

11. Smoking may reduce the blood flow and causes impotence
    It-tipjip inaqqas ic-ċirkulazzjoni tad-demm u jista' jwassal għal l-impotenza

12. Smoking causes ageing of the skin
    It-tipjip ikemmixlek il-ġilda

13. Smoking can damage the sperm and decreases fertility
It-tipjip jista' jagħmel ħsara lill-isperma u jnaqqas il-fertilita'

14. Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide Id-duħħan fih il-benzene, in-nitrosamines il-formaldehyde u l-hydrogen cyanide.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugh fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*

Prezz 24ċ – *Price 24c*